IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 4015 of 2007(C)

PETITIONER:

M.R.RAJARAMAN, S/O. RAMASWAMY,
11/149-B, VASMA RESIDENTIAL APARTMENTS,
KARAKKADU ROAD, GURUVAYOOR.

BY ADV. SRI.K.G.ANIL BABU

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.

3. THE KERALA STATE ROAD TRANSPORT
CORPORATION, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR.

BY GOVT.PLEADER SMT. N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

Ext.P1: The true copy of the regular permit on the route Ponnani-Guruvayoor-Kozhikode for his Vehicle No.KL-9-9345

Ext.P2: The true copy of the application for variation dated 4-2-2006 submitted before the 1st respondent

Ext.P3: The true copy of the route rough sketch

Ext.P4: The true copy of the proceedings of the 1st respondent in the meeting held on 29-5-2006 in item No.73

Ext.P5: The true copy of the Memorandum of Appeal dated 19-7-2006

Ext.P6: The true copy of the order in M.V.A.A.298/2006 dated 28-12-2006

Ext.P7: The true copy of the modified scheme as per notification dated 9-5-2006.

//True copy//

K.BALAKRISHNAN NAIR,J.

WP(C)NO.4015 OF 2007-C

Judgment

The petitioner is having a regular permit on the route Ponnani-Guruvayoor-Kozhikode. He applied for a variation of that permit. The said application was rejected by the RTA by Ext.P4 decision dated 29.05.2006. According to the RTA, the additional trip overlaps a notified route and further, the additional trip has a distance of 32 kms, which is against Section 80(3) of the Motor Vehicles Act. The petitioner appealed. The appellate authority, by Ext.P6 order dated 28.12.2006, dismissed the appeal, holding that the route overlaps a notified route covered by a supplementation scheme. So, the status quo alone can be maintained, it was held. The petitioner challenges Exts.P4 and P6 in this Writ Petition. It is common case that the route in question is covered by a supplementation scheme. Therefore, there cannot be any grant of permit for any additional trips without doing violence to the supplementation scheme. The notification proposing to modify various supplementation schemes, published on 09.05.2006, will not confer any right on any operator, unless it is finalised. In fact, the said draft notification itself has been withdrawn. Therefore, no relief can be granted to the petitioner and the Writ Petition is accordingly dismissed.

06.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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